

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DOYNE A. RHOADES,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 4:11-CV-1388-SPM
)	
)	
DAVE DORMIRE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on two motions filed by Petitioner Doyme A. Rhoades: (1) a motion under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment entered in this case on September 26, 2014 (Doc. 33), and (2) a motion for an extension of time to file objections and apply for a certificate of appealability (Doc. 32).

In his motion to alter or amend the judgment, Petitioner argues that in assessing Claim Four of the Petition, this Court erroneously applied a 2009 revised version of Missouri's Uniform Mandatory Disposition of Detainers Law ("UMDDL"), Mo. Rev. Stat. §§ 217.450-217.485, instead of the 2000 version of the statute that was in effect during Petitioner's detention. Petitioner is incorrect. Although the Court noted that this statute had been revised in 2009, it applied the 2000 version of the statute, as interpreted by the Missouri Court of Appeals. To the extent that Petitioner is asking the Court to revisit its analysis of Claim Four, the Court sees no reason to do so.

Petitioner's motion for extension of time to file objections and apply for a certificate of appealability will also be denied. This Court has already ordered that no certificate of

appealability shall be issued by this Court. (Doc. 30). Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts states that if the court denies a certificate, the parties may seek a certificate from the Court of Appeals. The Eighth Circuit has treated Petitioner's Notice of Appeal as an application for certificate of appealability. (Doc. 35). Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Extension of Time to File Objections and Application for Certificate of Appealability (Doc. 32) is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion to Alter or Amend Judgment (Doc. 33) is **DENIED**.

Dated this 23rd day of October, 2014.

/s/ Shirley Padmore Mensah
SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE